IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.930 of 2005

Between:

Ragam Yellaiah, S/o. Late Mallaiah,
R/o. Rangadampalli Village, H/o. Mittapalli, Siddipet Mandal,
Medak District.

..... PETITIONER

AND

1 The Joint Collector, Medak at Sangareddy.
2 The Revenue Divisional Officer, Siddipet, Medak District.
3 The Mandal Revenue Officer, Siddipet, Medak District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents mutating the names of the other brothers in the revenue records, is arbitrary, illegal, consequently direct the respondents to rectify the revenue records by incorporating the name of the petitioner.

Counsel for the Petitioner: MR.K.GOVIND

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondents in mutating the names of the other brothers of the petitioner in the revenue records as arbitrary and illegal and consequently to direct the respondents to rectify the revenue records by incorporating the name of the petitioner.

The petitioner states that pursuant to the application filed before the 3rd respondent-Mandal Revenue Officer, Siddipet to effect transfer of property in his name under Rule 22(2) of the ROR Rules, 1969, the 3rd respondent-Mandal Revenue Officer, Siddipet issued proceedings dated 4.1.1995 to record the entries in his name. Thereafter, the brothers of the petitioner have submitted a representation to the 2nd respondent- Revenue Divisional Officer, Siddipet, Medak District and that the 2nd respondent-Revenue Divisional Officer by his order dated 28.07.2001 suspended the order dated 04.01.1995 passed by the Mandal Revenue Officer, Siddipet. On the representation made by the petitioner herein the 2nd respondent-Revenue Divisional Officer, however, passed orders recalling the orders dated 28.7.2001. It is stated that taking advantage of the earlier orders passed by the then Revenue Divisional Officer, Siddipet dated 28.7.2001, when the 3rd respondent-Mandal Revenue Officer is taking steps to substitute the names of his brothers, the petitioner filed W.P.No.20629 of 2002, and this Court vide orders dated 05.08.2003 passed in the said writ petition directed the Revenue Divisional Officer to dispose of the appeal filed by the brothers of the petitioner, on merits, by giving opportunity to the

petitioner, and considering the aspect of plea of limitation raised by the petitioner on merits within a period of three weeks from the date of receipt of a copy of order. The grievance of the petitioner is that though the said writ petition was disposed of in the month of August, 2003, no final orders have been passed by the 2nd respondent-Revenue Divisional Officer in the appeal so far. Hence, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

In earlier round of litigation, when the petitioner filed W.P.No.20629 of 2002, this Court, after hearing the both parties at length, vide orders dated 5.08.2003 disposed of the same directing the 2nd respondent-Revenue Divisional Officer to dispose of the appeal preferred by the brothers of the petitioner on merits, by giving opportunity to the petitioner, and considering the aspect of plea of limitation raised by the petitioner, on merits within a period of three weeks from the date of receipt of a copy of order, as per law. The grievance of the petitioner is that though the said writ petition was disposed of in the month of August, 2003, no orders have been passed by the 2nd respondent-Revenue Divisional Officer in the appeal so far. When it is the case of the petitioner that the appellate authority has not passed any orders in the appeal pursuant to the directions of this Court and disobeyed the Court orders, effective remedy available to the petitioner is to move a Contempt Case against the authority concerned, but not a fresh writ petition. There is no merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the admission stage. No costs.

_____

N.V. RAMANA, J.

Date: 28.01.2005

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Medak at Sangareddy.
2 The Revenue Divisional Officer, Siddipet, Medak District.
3 The Mandal Revenue Officer, Siddipet, Medak District.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5. 2 CD copies

*Form-NIC-OGS/WP{**RLD**}*